

CENTRAL INFORMATION COMMISSION
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Decision No.CIC/SG/A/2010/000202/7124
Appeal No. CIC/SG/A/2010/000202

Appellant : Mr. Samsher Singh,
6139/1, Sector D-6,
Vasant Kunj,
Delhi-110070.

Respondent : Mr. B. L. Chawla
State Public Information Officer &
Environmental Engineer
Delhi Pollution Control Committee,
Department of Environment,
Govt. of NCT of Delhi,
4th Floor, ISBT Building,
Kashmerigate, Delhi-110006

RTI application filed on : 24/08/2009
PIO replied : 22/09/2009 & 19/11/2009
First Appeal filed on : 30/09/2009
First Appellate Authority order : 04/11/2009
Second Appeal Received on : 25/01/2010
Notice of Hearing Sent on : 09/02/2010
Hearing Held on : 12/03/2010

| Sl. | Information Sought | Reply of the PIO |
|-----|--|------------------------------------|
| 1. | Provide the photocopy of attendance of Shri Vijender Singh, LDC w.r.t. date 20/07/2006 | This record not traceable in DPCC. |

Grounds for First Appeal:
Unsatisfactory reply.

Order of the First Appellate Authority:

“The SPIO had informed that the said record of attendance sheet is not trace available as per information from BMW cell that record is not available. There is a possibility that Sh. Bijender Singh might have applied for leave on dated 20/07/2006 which might be lying in administration. Same may be traced and if found same may be informed to the appellant within 15 days.”

Reply of the SPIO:

The Appellant was informed following vide letter dated 19/11/2009.

“Administrative section of DPCC has informed that no record of casual leave for the year 2006 is available in Admn. Branch, it has been weeded out on the AR Department’s instructions.”

Grounds for Second Appeal:

Information sought had not been provided.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Samsheer Singh;

Respondent: Mr. B. L. Chawla, State Public Information Officer & Environmental Engineer;
Mr. Chandra Prakash, Sr. Environmental Engineer;

The Appellant has sought the photocopy of the attendance register of Mr. Vijender Singh for the date 20/07/2006. The PIO replied that the record is not traceable. In the first appeal the FAA has passed an order directing that information should be provided within 15 days. Subsequently on 19/11/2009 the PIO has informed the Appellant that, "no record of casual leave for the year 2006 is available in Admn. Branch. It has been weeded out on the AR Department's instructions." It is very peculiar that now the PIO has brought the weeding out policy in which it is shown that the attendance register are weeded out after one year and hence it is claimed that the Register has been weeded out.

The PIO has been very irresponsible in not having first informed the Appellant that the records have been weeded out as per weeding out policy. This information could have been provided to the appellant in the first instance itself which could have saved the unnecessarily cost and time of first appeal and second appeal. The Appellant is understandably agitated about this. The Commission clearly sees that the appellant has been put to unnecessary hardship and cost of filing first and second appeal. In view of this the Commission decides that the appellant deserves to be compensated for the time money and unnecessary trouble taken by him. The Commission determines that the Appellant must be compensated Rs.2500/- to compensate him for his costs and time that he has spent on this.

Decision:

The appeal is allowed.

The PIO is directed to ensure that a cheque of Rs.2500/- is sent to the Appellant as compensation before 15 April 2010.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
12 March 2010

(In any correspondence on this decision, mention the complete decision number.)^{Rnj}